

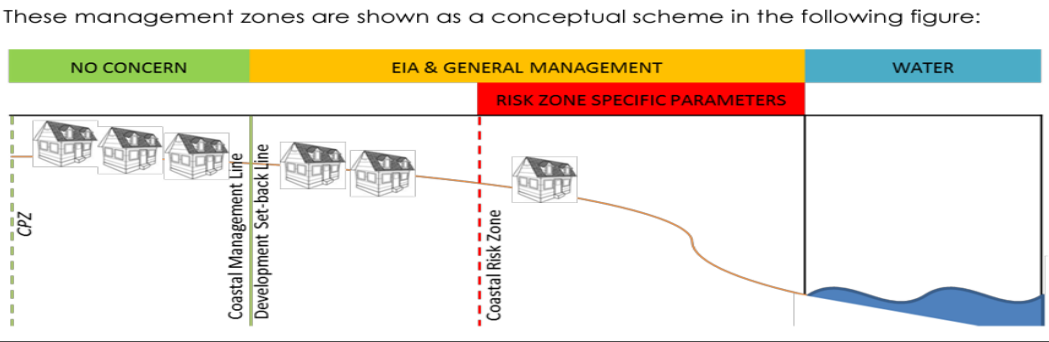
COMMENT AND RESPONSES REPORT
HOUSE STEENEKAMP, PORTION 19 OF 257 MISGUNST AAN DE GOURITZ RIVIER - BASIC ASSESSMENT
DEA&DP REF: 16/3/3/1/D6/37/0003/22

PUBLIC PARTICIPATION PROCESS

A Draft Basic Assessment Report was made available for public comment as part of the public participation for the proposed construction of House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, near Vleesbaai in the Western Cape Province. The dwelling with associated infrastructure will be approximately 1500m² in extent.

The Basic Assessment Application was submitted to the provincial Department of Environmental Affairs & Development Planning (DEA&DP) as the competent authority for this application. A 30 day comment period extended from the **14 March to 13 April 2022**. All comments received during this period have been collated and will be included in the Final Basic Assessment Report to be submitted to the competent authority. The comments captured in this table are copied from the original submissions.

COMMENT / ISSUES	RESPONSES
Abrahams, Carlo - Breede Gouritz Catchment Management (BGCMA)	
Automatically registered as an I&AP.	Registered 22 November 2021
Abrahams, Mushfiqah - Mossel Bay Municipality (replaces Mr Warren Manuel)	
Automatically registered as an I&AP.	Registered 22 November 2021
Bekko, leptieshaam - DEA&DP: Coastal Management Unit	
Automatically registered as an I&AP.	Registered 22 November 2021
DRAFT BASIC ASSESSMENT REPORT	
1. Your request for comment from the sub-directorate: Coastal Management on the above-mentioned Draft Basic Assessment Report for the development of a single residential dwelling on Portion 19 of Farm 257 Misgunst Aan De Gouritz Rivier, Vleesbaai, received via email on 07 April 2022, refers.	Cape EAPrac: Thank you for your participation in this process.

COMMENT / ISSUES	RESPONSES
<p>2. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (“NEM: ICMA”) is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”). The NEM: ICMA sets out to manage the nation’s coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning (‘the Department’) is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the “Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) “Public Launch Site Regulations”. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme (“PCMP”). The PCMP is currently under review and has been published for comment. The PCMP is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. A key priority of the PCMP is the Estuary Management Programme, which is predominantly implemented through the Estuary Management Framework and Implementation Strategy (“EMFIS”) project. The Department is implementing estuary management in accordance with the NEM: ICMA and the National Estuarine Management Protocol (“NEMP”). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone.</p>	<p>Cape EAPrac: The NEM:ICMA and various guidelines were considered in the Basic Assessment by the EAP and the specialists. The alternatives fall within the modelled Littoral Active Zone (LAZ) and the Coastal Protection Zone (CPZ) / 1km from the high water mark of the sea, it must also be acknowledged that it is completely outside the coastal risk lines which in it self speaks to the overall sensitivity and therefore development parameters that should be considered.</p> <p>These management zones are shown as a conceptual scheme in the following figure:</p> 
<p>3. In terms of the afore-mentioned application, the sub-directorate: Coastal Management (“SD: CM”) has the following commentary:</p>	
<p>3.1. The applicant wishes to erect a residential dwelling on his property in accordance with his current development rights. Three alternative locations were identified to site the proposed dwelling.</p>	<p>Cape EAPrac: The property is currently zoned as Agriculture Zone I in terms of the Mossel Bay Municipality: Integrated Zoning Scheme By-Law, 2018 which provides for a primary right of 1 dwelling unit.</p>

COMMENT / ISSUES	RESPONSES
<p>3.2. All three proposed site options are located within the coastal protection zone as delineated by the Department with the delineation of the Garden Route coastal management line project, 2018. As such Section 63 of the NEM: ICMA must be considered by the competent authority and must therefore be assessed in the DBAR.</p>	<p>Cape EAPrac: Section 63 of the NEM:ICMA was considered in the BAR. The alternatives fall within the modelled Littoral Active Zone (LAZ) and the Coastal Protection Zone (CPZ) / 1km from the high water mark of the sea, it must also be acknowledged that it is completely outside the coastal risk lines which in it self speaks to the overall sensitivity and therefore development parameters that should be considered. The site presents two primary ecosystems, namely the thicket and dune systems. Whereas the top 50% thicket is deemed sensitive from a botanical perspective, the bottom 50% dune system is deemed sensitive from a coastal process perspective, namely the coastal protection zone and the littoral active zone.</p> <p>Given the primary rights, as well as the sensitive features of the site, the aim has been to carefully consider and weigh-up alternatives that would achieve a balanced outcome, that would not be biased towards one or the other sensitive feature unnecessarily. To this end the alternatives were all concentrated along the 'interface' of the intact thicket habitat and the dune habitat. The best practicable environmental option (BPEO) thus being on the 'verge' of each of the two ecosystems. This is clearly evident by the outcomes of the Botanical and Coastal Engineer impact reports.</p>
<p>3.3. The DBAR depicted the proposed site locations in relation to the coastal protection zone, the littoral active zone and the coastal management line as delineated by the Department. A specialist coastal engineer was also appointed to verify the extent of the littoral active zone, consider coastal processes and propose mitigation measures where applicable.</p>	<p>Cape EAPrac: That is correct. The author (Mr Laurie Barwell) has a B.Eng Civil and an MSc.Eng degree in Coastal Engineering, specializing in coastal environmental assessment and engineering with specific reference to dune and beach dynamics, and climate change risk and vulnerability assessment and response strategies. Having retired from the CSIR in 2014, the author has 39 years of experience related to water and coastal environmental engineering and coastal zone management practices.</p>

COMMENT / ISSUES		RESPONSES
25-Apr-22	<p>3.4. According to the onsite determination by the coastal engineer, option 1 (the preferred option) is located outside of the littoral active zone. This determination is acknowledged; however, it must be noted that it is well established that there has always been conflict between various disciplines regarding the criteria considered for the delineation of the littoral active zone. The Department is obliged to implement the littoral active zone as defined in the NEM:ICMA. In accordance with the definition in the NEM: ICMA and the onsite determination of the coastal officer at a site visit conducted on 19 April 2021, it is the determination of the SD: Coastal Management that option 1 as well as option 2 is located within the littoral active zone.</p>	<p>Cape EAPrac: The coastal engineer acknowledges the modelled LAZ as provided by WC: DEA&DP Coastal Management Lines, 2018. A qualitative impact assessment of the identified options on the abiotic environment was carried out and a comparative assessment done taking into account the modelled LAZ and the ground truthed active coastal processes. The results assist to identify and motivate the preferred option as the one that has the best overall net impact i.e. Best Practicable Environmental Option (BPEO).</p> <p>This office takes note of your statement that the SD: Coastal Management is obliged to implement the definition of the LAZ and thus the modelled line indicating the presence of the LAZ. To this end, the Basic Assessment process applied for Environmental Authorisation within the LAZ and the assessments that were undertaken, were done so as if the activity is located in the LAZ. The assessment, considering the above, finds that the expected impact on the environment by implementing Option 1 is of a Low significance, even without mitigation.</p>

COMMENT / ISSUES	RESPONSES
<p>3.5. It is essential that the competent authority not only consider the impact that the proposed development may have on the receiving environment but also what impact the environment, including the dynamic coastal processes would have on the development. The NEM:ICMA regards the littoral active zone to be a dynamic system where free movement of sand must not be interfered with. Considering that a substantial portion of the property is located outside of the littoral active zone, it would be more prudent to allow for the development of a residential dwelling outside of the littoral active zone where it would be subjected to fewer environmental risks or sensitivities.</p>	<p>Cape EAPrac: We acknowledge the definition of the NEM:ICMA in terms of the littoral active zone being a dynamic system with free movement of sand. This office must also take into account the ground truthing of the specialist coastal engineer. According to the specialist, the dynamic and active coastal processes are taking place along the 65m MSL contour and the location of Option 1 is stable. <i>(The topographic information shows that there is a natural plateau located north of the +70 m MSL contour on the property. The western side of this area (Plateau 1) is stabilised by dune vegetation with no windblown sand moving into or off this area .)</i></p> <p>The site presents two primary ecosystems, namely the thicket and dune systems. Whereas the top 50% thicket is deemed sensitive from a botanical perspective, the bottom 50% dune system is deemed sensitive from a coastal process perspective, namely the coastal protection zone and the littoral active zone.</p> <p>Given the primary rights, as well as the sensitive features of the site, the aim has been to carefully consider and weigh-up alternatives that would achieve a balanced outcome, that would not be biased towards one or the other sensitive feature unnecessarily. To this end the alternatives were all concentrated along the ‘interface’ of the intact thicket habitat and the dune habitat. By considering development of the primary dwelling in the outer edge of the LAZ, it is submitted that the risk associated with substantially (interfering) with coastal processes (or coastal processing interfering with the activity) is reduced. The best practicable environmental option (BPEO) thus being on the ‘verge’ of each of the two ecosystems. This is clearly evident by the outcomes of the Botanical and Coastal Engineer impact reports.</p>

COMMENT / ISSUES	RESPONSES
<p>3.6. Additionally, the area is also identified as a Critical Biodiversity Area (“CBA”) and according to the Western Cape Biodiversity Spatial Plan (“WCBSP”) 2017, the desired management objective for these areas is to maintain it in a natural or near-natural state, with no further loss of habitat. Degraded areas must be rehabilitated, and only low impact. Biodiversity-sensitive land uses are appropriate. The WCBSP was also considered in the delineation of the Garden Route CML.</p>	<p>Cape EAPrac: The entire property is located within a mapped CBA in terms of the WCBSP 2017. Furthermore, the property is in the Fransmanshoek Conservancy (FMHC). The applicant is committed to maintaining the property in near or near-natural state in line with the objectives of the FMHC, which are also in line with the CBA. However, they do have a primary right to erect a primary dwelling, and have undertaken the various assessment to determine the area that supports the Best Practicable Environmental Option (BPEO). To this end, consideration was given to multiple disciplines within the environmental context and provides for a site that has the lowest impact.</p>
<p>3.7. The SD: Coastal Management is not opposed to the construction of a single dwelling on Portion 19 of the Farm Misgunst. However, considering the proposed development site, the alternative sites, the environmental sensitivities, including coastal processes and the WCBSP, it is recommended that the competent authority not consider option 1 as the preferred alternative, but rather consider option 3.</p>	<p>Cape EAPrac: We take note that the SD: Coastal Management is not opposed to the exercising of the applicants primary rights. We acknowledge the complexity of decision-making in the coastal environment, however we submit that coastal specific principles must be applied in a balanced manner where total avoidance of impacts cannot be the outcome and the implementation of integrated environmental management must be applied.</p> <p>The site presents two primary ecosystems, namely the thicket and dune systems. Whereas the top 50% thicket is deemed sensitive from a botanical perspective, the bottom 50% dune system is deemed sensitive from a coastal process perspective, namely the coastal protection zone and the littoral active zone.</p> <p>Given the primary rights, as well as the sensitive features of the site, the aim has been to carefully consider and weigh-up alternatives that would achieve a balanced outcome, that would not be biased towards one or the other sensitive feature unnecessarily. To this end the alternatives were all concentrated along the ‘interface’ of the intact thicket habitat and the dune habitat. The best practicable environmental option (BPEO) thus being on the ‘verge’ of each of the two ecosystems. This is clearly evident by the outcomes of the Botanical and Coastal Engineer impact reports.</p>

COMMENT / ISSUES		RESPONSES
	4. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.	Cape EAPrac: The applicant is committed to ensuring that the property is managed in a manner that promotes the objectives of the Fransmanshoek Conservancy. The development of a single dwelling is not deemed in conflict with the natural dynamic nature of the study site coastline and it cannot be deemed as irresponsible development.
	5. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.	
Blyth, Nicholas - Neighbour		
	Automatically registered as an I&AP.	Registered 25 January 2022
Engle, Eugene - Department of Health		
	Automatically registered as an I&AP.	Registered 10 March 2022
Fenn, Gregory - Neighbour		
	Automatically registered as an I&AP.	Registered 20 January 2022
Fernandez, Raimo - Mossel Bay Municipality		
	Automatically registered as an I&AP.	Registered 22 November 2021
DRAFT BASIC ASSESSMENT REPORT		
14-Mar-22	The proposal is a primary land use right in terms of the Mossel Bay Zoning Scheme By-Law, 2021 and therefore the Planning Department of the Mossel Bay Municipality has no objection against the proposal.	Cape EAPrac: Thank you for your participation in this process.
Fransmanshoek Conservancy		
	Automatically registered as an I&AP.	Registered 18 November 2021
Goold, Erich - Fransmanshoek Conservancy		
	Automatically registered as an I&AP.	Registered 21 July 2020
Hanekom, Coenraad - Neighbour		
	Automatically registered as an I&AP.	Registered 23 November 2021
Janse van Rensburg, EJ - Neighbour		
	Automatically registered as an I&AP.	Registered 25 January 2022
Janse van Rensburg, Hendrik - Neighbour		

COMMENT / ISSUES		RESPONSES
	Automatically registered as an I&AP.	Registered 25 January 2022
La Grange, Lesa - SAHRA MUCH Unit		
	Automatically registered as an I&AP.	Registered 30 September 2020
Layman, Brandon - Department of Agriculture		
	Automatically registered as an I&AP.	Registered 22 November 2021
Liddle, Mercia - DEA&DP: Coastal Management Unit		
	Request registration as an I&AP.	Registered 05 April 2022
Makahane, Rudzani - Breede Gouritz Catchment Management Agency (BGCMA)		
	Registered in response to comment on borehole	Registered 17 February 2022
DRAFT BASIC ASSESSMENT REPORT		
26-Apr-22	The Breede-Gouritz Catchment Management Agency (BGCMA) has received the submission of the report on 10 March 2022 and has the following comments:	Cape EAPrac: Thank you for your participation in this process.
	1. This office anticipate that the volume of treated effluent (grey water) will be minimal for a single residential dwelling. If the irrigation of land with the treated wastewater pose a significant risk to the water resources, please advise the applicant to apply for necessary authorisation so that the activity is managed accordingly.	Cape EAPrac: We agree that the volume will be minimal. There are no water resources in proximity to the activity and as such it is highly unlikely that the wastewater will pose any risk.
	2. The geohydrologist team informed this office that the groundwater will only be used for reasonable domestic use. The applicant is advise to ensure that this borehole does not accelerate salt water intrusion to the fresh groundwater resource in the area.	Cape EAPrac: A Phase 1 groundwater assessment report was compiled. The groundwater in the borehole already has high salinity due to a combination of the aquifer host rocks and salt spray close tot he ocean. It will thus only be used for washing and sewage. The low volumes of use will result in a limited (few tens of meters) cone of depression and sea water intrusion will not occur. Ongoing monitoring will be undertaken to confirm the calculations.
	General comments:	
	No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998).	Cape EAPrac: So noted. Confluent (Pty) Ltd has confirmed that there are no watercourses or fresh water resources on the property.
	No waste or water containing waste may be disposed of without authorisation from the National Water Act, 1998 (Act 36 of 1998).	Cape EAPrac: No waste or water containing waste will be disposed of on the site.
All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.		

COMMENT / ISSUES		RESPONSES
	Stormwater management must be addressed both in terms of flooding, erosion and pollution potential. No stormwater runoff from any premises containing waste, or water containing waste emanating from premises may be discharged into a water resource. Polluted stormwater must be contained.	Cape EAPrac: The applicant is proposing rainwater harvesting off roof structures. Access roads and surfaces around the dwelling consist of permeable sand. There are no water resources on or in the near vicinity of the site for stormwater to be disposed into, and no stormwater will be directed onto the forward aspect of the dwelling.
	The BGCMA reserves the right to revise initial comments and request further information based on any additional information received.	
COMMENTS RELATED TO THE USE OF BOREHOLE FOR SCHEDULE 1 WATER USE		
	The Breede-Gouritz Catchment Management Agency (BGCMA) has received your enquiry on 20 December 2021 and has the following comments:	
	1. Based on the provided information, the use of the borehole did not trigger the Section 21 water uses of the National Water Act, 1998 (Act 36 of 1998). Should the borehole be used for reasonable domestic water use, there will be no need to apply for water use authorisation.	Cape EAPrac: Thank you for your confirmation that no water uses in terms of the NWA are required for the borehole.
	2. Any activity within the 1:100-year floodline or within 100 m of the watercourse (river, spring, natural channel, lake or dam) or within a 500 m radius from the delineated boundary (extent) of any wetland or pan triggers a water use activity in terms of Section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998). Section 21 (c) – impeding or diverting the flow of water in a watercourse Section 21 (i) – altering the bed, banks, course or characteristics of a watercourse.	Cape EAPrac: As confirmed by Confluent (Pty) Ltd, there are no watercourses within 500m radius of any of the onsite activities.
	3. The General Authorisation notice number 509 of 26 August 2016 does not apply to any water use in terms of section 21(c) or (i) of the Act associated with construction, installation, or maintenance of any sewage pipelines.	Cape EAPrac: Thank you for your confirmation that no water uses in terms of the GA of 26 August 2016 are required for the borehole.
17-Feb-22	4. Considering the proximity of the borehole to the ocean, the applicant is advised to further investigate if pumping of water from this borehole will not exacerbate the seawater intrusion to groundwater.	Cape EAPrac: A Phase 1 groundwater assessment report was compiled. The groundwater in the borehole already has high salinity due to a combination of the aquifer host rocks and salt spray close to the ocean. It will thus only be used for washing and sewage. The low volumes of use will result in a limited (few tens of meters) cone of depression and sea water intrusion will not occur. Ongoing monitoring will be undertaken to confirm the calculations.
	General comments:	

COMMENT / ISSUES		RESPONSES
	No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998).	Cape EAPrac: So noted. Confluent (Pty) Ltd has confirmed that there are no watercourses or fresh water resources on the property.
	No waste or water containing waste may be disposed of without authorisation from the National Water Act, 1998 (Act 36 of 1998).	Cape EAPrac: No waste or water containing waste will be disposed of on the site.
	All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.	
	Stormwater management must be addressed both in terms of flooding, erosion and pollution potential. No stormwater runoff from any premises containing waste, or water containing waste emanating from premises may be discharged into a water resource. Polluted stormwater must be contained.	Cape EAPrac: The applicant is proposing rainwater harvesting off roof structures. Access roads and surfaces around the dwelling consist of be permeable sand. There are no water resources on or in the near vicinity of the site for stormwater to be disposed into, and no stormwater will be directed onto the forward aspect of the dwelling.
	The BGCMA reserves the right to revise initial comments and request further information based on any additional information received.	
Malgas, Cornelius - Department of Transport & Public Works		
	Automatically registered as an I&AP.	Registered 24 November 2021
Naidoo, S - Mossel Bay Municipality Infrastructure Services		
	Registered in response to comments	Registered 23 February 2022
COMMENTS IN RESPONSE TO SERVICES REPORT		
23-Feb-22	Thank you for the civil engineering services report from Cobus Louw Consultants dated April 2020 the contents of which is noted.	
	We herewith confirm that we have no objections to your proposal to use harvested rainwater for drinking / cooking and ground water from the borehole not exceeding 10m ³ / day for washing, waterborne sewage and fire emergency purposes. It is also noted that you will be utilising an off-grid solar system for electricity.	Cape EAPrac: Thank you for your feedback.
	It is however essential that all buildings on this property adheres to the Mossel Bay Town Planning scheme and building regulations.	Cape EAPrac: The building plans will be provided to the municipality once the EIA process is finalised. The Mossel Bay Municipality planning department has already confirmed that the proposal is in line with the town planning scheme.
DFFE Oceans & Coasts EIA		
	Automatically registered as an I&AP.	Registered 25 January 2022
Orban, Dora - Neighbour		

COMMENT / ISSUES		RESPONSES
	Automatically registered as an I&AP.	Registered 25 January 2022
Paauw, Martin - Fransmanshoek Conservancy		
	Request registration as an I&AP.	Registered 19 November 2021
COMMENTS IN RESPONSE TO SITE NOTICE		
19-Nov-21	We hope this email finds you well, please find the following contact details of the Fransmanshoek conservancy. We would like to register as an Interested and Affected party, regarding the proposal for construction of portion 19 of Farm 257 Misgunst on the Gouritz River, near Vleesbaai in the Southern Cape. HLC reference number: 20072309SB0729E.	
	FOR ATTENTION OF THE FRANSMANSHOEK HOME OWNERS ASSOCIATION:	
	<input checked="" type="checkbox"/> I presume the FMH Home Owners Association will be attending to the building plans etc. CF par 16 of the HOA Constitution (attached)	Cape EAPrac: Once the EIA process is completed, the building plans will be drafted and presented to the Fransmanshoek Conservancy.
	<input checked="" type="checkbox"/> Are such plans also to be submitted to the appropriate Municipal authority for approval?	Cape EAPrac: Yes, the building plans must be approved by Mossel Bay Municipality.
<input checked="" type="checkbox"/> It is not clear when the Site Notice was put up and it does not indicate a date by which I&APs should register	Cape EAPrac: The site notice encourages anyone to register at any time. The adverts and direct correspondence provided the exact timeframes that the reports were available for comment.	
Parsons, Gawie & Hester - Neighbour		
	Automatically registered as an I&AP.	Registered 26 January 2022
Roux, Jaco - Mossel Bay Municipality		
	Automatically registered as an I&AP.	Registered 22 November 2021
Sabbagha, George - Stilbaai Bewaringstrust		
	Automatically registered as an I&AP.	Registered 30 September 2020
Simons, Megan - CapeNature		
	Automatically registered as an I&AP.	Registered 20 May 2021
DRAFT BASIC ASSESSMENT REPORT		
	CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:	Cape EAPrac: Thank you for the submission of your comments.

COMMENT / ISSUES	RESPONSES
<p>According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017)¹ the farm has Critical Biodiversity Areas (CBA 1: Terrestrial and fragments of CBA 2: Terrestrial). The farm does not have any aquatic features. The reasons behind WCBSP delineation on the site are the following:</p> <ul style="list-style-type: none"> • Bontebok Extended Distribution Range • Coastal resource protection-Eden • Coastal Habitat Type • Foredune • Canca Limestone Fynbos (LT) • Cape Seashore Vegetation (LT) 	
<p>Mucina and Rutherford and the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017) mapped the vegetation as Cape Seashore Vegetation which is Least Threatened. In the draft ecosystem threat listings for the updated 2018 National Biodiversity Assessment the vegetation will be listed as Least Concerned Cape Seashore Vegetation and Hartenbos Dune Thicket (Skowno et al. 2018).</p>	<p>Cape EAPrac: Agreed. This is reflected in the Biodiversity Overlays provided in the Basic Assessment Report. A Site Sensitivity plan has been developed from the specialist assessments of the property, as well as the desktop information to reflect the ground truthed sensitivities. Thus it will be seen that even though the Dune Thicket is considered a vegetation type of Least Concern, the value of the existing intact vegetation on the site increases its sensitivity within the area.</p>
<p>CapeNature is satisfied that the WCBSP (Pool-Stanvliet et.al. 2017) reasons layer and land use guideline handbook were considered and included in the proposed development considering the entire site is mapped as natural CBA. The underlying biodiversity objectives and ecological functioning of the CBA must not be compromised.</p>	<p>Cape EAPrac: Duly noted.</p>
<p>Eradication of invasive alien plant species are of high priority and CapeNature agrees. Alien plant species that occur outside of the development footprint must be cleared during the alien clearing phase. In this way, more alien plant species can be removed. The removal of alien plant species can be a phased approach and we agree with the botanist that only local plant species must be used for rehabilitation and stabilization of the dune fields.</p>	<p>Cape EAPrac: Duly noted. Alien invasive management must remain ongoing. Only locally indigenous vegetation may be used for rehabilitation works.</p>
<p>The specialist must determine a suitable location before search-and-rescue is undertaken for the indigenous dune vegetation that will be transplanted. The season should also be considered to give the plants an adequate chance to re-establish.</p>	<p>Cape EAPrac: Agreed. The location to temporarily locate search-and-rescue material will be determined by the ECO prior to construction.</p>

COMMENT / ISSUES	RESPONSES
<p>Coastal ecosystems are ecological infrastructures that provides a range of regulatory services to coastal communities. The foredunes play an essential role in providing physical buffering against sea storm surges and other potential climate change related impacts. Therefore, they should be in a functional near-natural state. Furthermore, the property forms part of a coastal corridor, which is an important ecological infrastructure. As these areas are important corridors to maintain landscape connectivity it is crucial that no further disturbances occur, and that the area must be restored to improve connectivity and reduce landscape fragmentation.</p>	<p>Cape EAPrac: The proposed location for the dwelling is located approximately 400m away from and ±70m above mean sea level. It is not located on the foredunes and is significantly outside of the predicted risk lines.</p> <p>The functionality of the foredunes were considered and ground truthed by the specialist coastal engineer. According to the specialist, the dynamic and active coastal processes are taking place along the 65m MSL contour and the location of Option 1 is stable. (The topographic information shows that there is a natural plateau located north of the +70 m MSL contour on the property. The western side of this area (Plateau 1) is stabilised by dune vegetation with no windblown sand moving into or off this area.)</p> <p>The site presents two primary ecosystems, namely the thicket and dune systems. Whereas the top 50% thicket is deemed sensitive from a botanical perspective, the bottom 50% dune system is deemed sensitive from a coastal process perspective, namely the coastal protection zone and the littoral active zone.</p> <p>Given the primary rights, as well as the sensitive features of the site, the aim has been to carefully consider and weigh-up alternatives that would achieve a balanced outcome, that would not be biased towards one or the other sensitive feature unnecessarily. To this end the alternatives were all concentrated along the ‘interface’ of the intact thicket habitat and the dune habitat. By considering development of the primary dwelling in the outer edge of the LAZ, it is submitted that the risk associated with substantially (interfering) with coastal processes (or coastal processing interfering with the activity) is reduced. The best practicable environmental option (BPEO) thus being on the ‘verge’ of each of the two ecosystems. This is clearly evident by the outcomes of the Botanical and Coastal Engineer impact reports.</p>

COMMENT / ISSUES		RESPONSES
<p>21-Apr-22</p>	<p>The preferred alternative is within the Littoral Active Zone (LAZ). The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (NEM: ICMA) defines the LAZ as: “any land forming part of, or adjacent to, the seashore that is – a) unstable and dynamic as a result of natural processes, and b) characterised by dunes, beaches, sand bars and other land forms composed of unconsolidated sand, pebbles or other such material which is either unvegetated or only partly vegetated.”</p>	<p>Cape EAPrac: The proposed location for the dwelling is located approximately 400m away from and ±70m above mean sea level. A specialist coastal engineering report concluded that based on historical incidence, current processes and onsite conditions, the LAZ is functionally located several meters lower down.</p> <p>The definition of the LAZ talks to it being an unstable/dynamic area and looking at the greater dune system of Fransmanshoek it must be acknowledge that even within the modelled LAZ there are areas where coastal processes are more active than other areas. The preferred Option 1 site being one such an area where the coastal processes are considered to be stable. The preferred site however is on the outer edge of the LAZ and it beholds that the position for Option 1 to be an area (within the greater LAZ) where coastal processes are no longer active and where the dynamic functionality has been lost. This does not detract from the position being within the LAZ per se but it does explain why the assessment of Option 1 is deemed to be acceptable with a low level of impact.</p>

COMMENT / ISSUES	RESPONSES
<p>Thus, the proposed location must consider the LAZ considering the dynamic nature of dune fields. CapeNature does not support constructing a house within the LAZ even if it is vegetated. Furthermore, the house must be located outside the dune fields and sand movement corridors to avoid any damage from coastal processes.</p>	<p>Cape EAPrac: The proposed location for the dwelling is located approximately 400m away from and $\pm 70\text{m}$ above mean sea level. According to the DEA&DP Coastal Management model, the proposed location falls within the LAZ. A specialist coastal engineering report concluded that based on historical incidence, current processes and onsite conditions, the LAZ is functionally located several meters lower down. The proposed house (Option 1) is not located in active dune fields and sand movement corridors and does not impact on coastal processes.</p> <p>The site presents two primary ecosystems, namely the thicket and dune systems. Whereas the top 50% thicket is deemed sensitive from a botanical perspective, the bottom 50% dune system is deemed sensitive from a coastal process perspective, namely the coastal protection zone and the littoral active zone.</p> <p>Given the primary rights, as well as the sensitive features of the site, the aim has been to carefully consider and weigh-up alternatives that would achieve a balanced outcome, that would not be biased towards one or the other sensitive feature unnecessarily. To this end the alternatives were all concentrated along the 'interface' of the intact thicket habitat and the dune habitat. By considering development of the primary dwelling in the outer edge of the LAZ, it is submitted that the risk associated with substantially (interfering) with coastal processes (or coastal processing interfering with the activity) is reduced. The best practicable environmental option (BPEO) thus being on the 'verge' of each of the two ecosystems. This is clearly evident by the outcomes of the Botanical and Coastal Engineer impact reports.</p>
<p>The current edge of the dune/plant interface is largely being stabilized by alien plant species. Currently these alien plant species are effectively preventing the westerly to south westerly direction of movement of the dune field. Considering the legislated requirement to remove alien plant species it would be expected that the edge of the dune field would extend in these directions once aliens are removed. As a result, the proposed development position would be heavily exposed to sand inundation in the future and infrastructure such as the road will also be exposed.</p>	<p>Cape EAPrac: The vegetation that has started shifting southwards is not only alien species. There is already elements of dune thicket vegetation establishing in the ecotone area. The coastal engineer has concluded that the coastal movement of sand has already halted in this area which will lead to ongoing revegetation of the system and the position of the dwelling will not be exposed. Satellite imagery is clearly showing that this revegetation is taking place.</p>

COMMENT / ISSUES		RESPONSES
	If this development will be approved, additional development applications and application to protect these new developments (this would further extent hard infrastructure into the dune fields) can be expected.	Cape EAPrac: Any other applications will have to go through the same process that this application has done. The fact is that the specialist coastal engineer has concluded that the functional LAZ is located several meters seawards and the impact of the dwelling on the environment is of a Very Low significance. This statement does not take into account site specific conditions and investigations.
	In conclusion, the positioning of the house in the LAZ is the most concerning aspect of the proposed development. CapeNature does not support any of the three options for the proposed house.	Cape EAPrac: Your objection is noted. The property is zoned as Agriculture Zone I and has a primary right for a Primary Dwelling. The site presents two primary ecosystems, namely the thicket and dune systems. Whereas the top 50% thicket is deemed sensitive from a botanical perspective, the bottom 50% dune system is deemed sensitive from a coastal process perspective, namely the coastal protection zone and the littoral active zone. Given the primary rights, as well as the sensitive features of the site, the aim has been to carefully consider and weigh-up alternatives that would achieve a balanced outcome, that would not be biased towards one or the other sensitive feature unnecessarily. To this end the alternatives were all concentrated along the 'interface' of the intact thicket habitat and the dune habitat. By considering development of the primary dwelling in the outer edge of the LAZ, it is submitted that the risk associated with substantially (interfering) with coastal processes (or coastal processing interfering with the activity) is reduced. The best practicable environmental option (BPEO) thus being on the 'verge' of each of the two ecosystems. This is clearly evident by the outcomes of the Botanical and Coastal Engineer impact reports.
	CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	
Stroh, Lizelle - SACAA		
	Automatically registered as an I&AP.	Registered 25 January 2022
Van der Walt, Cor - Department of Agriculture		
	Automatically registered as an I&AP.	Registered 22 November 2021
DRAFT BASIC ASSESSMENT REPORT - Received 4 May 2022		
	The Draft Basic Assessment Report dated 10 March 2022 has reference.	Cape EAPrac: Thank you for providing us with your comment.

COMMENT / ISSUES		RESPONSES
29-Apr-22	<p>Aquifer Resource Management have appointed Cape Environmental Assessment Practitioners (Pty) Ltd to facilitate a Draft Basic Assessment Report, to exercise the applicants primary right to construct a Primary Dwelling on Portion 19 of Farm 257, which is ±8.62ha in extent, located within the Fransmanshoek Conservancy. The Primary Dwelling will be ±500m² in size, with a ±70m access road connecting the to the existing road network. The portion is zoned Agriculture Zone I, however the property is not utilised for agriculture, rather, as an area of conservation. As per the Cape Farm Mapper tool, the Fransmanshoek conservancy consists of Cape Seashore Vegetation and Hartenbos Dune Thicket.</p>	
	<p>There are a number of properties within the Fransmanshoek Conservancy that are below 10ha in extent, as a result of past subdivisions. Each of these portions are zoned as Agriculture Zone I and are subject to a Primary Dwelling as a primary right, therefore, has the potential to encroach on the Critical Biodiversity Area in the form of a Residential Node and be intrusive towards the objectives of the Fransmanshoek Conservancy.</p>	<p>Cape EAPrac: It must be noted that the entire property is mapped as being within a Critical Biodiversity Area (CBA). This has been taken into consideration in the various assessments. The properties are located within the Fransmanshoek Conservancy (FMHC), as are the Springerbaai Eco-estate, the villages of Boggomsbaai and Vleesbaai, the farm Misgunt (home of the Vleesbaai 4x4 Dune Route), the Fransmanshoek peninsula, the village of Kanon and the Cape Vacca Nature Reserve. A conservancy is a collective agreement between various landowners to achieve a common conservation based outcome for a specific area. Conservancies are not necessarily restricted to agricultural areas and can also be established in urban and industrial areas, as the FMHC does. Membership of a conservancy is voluntary and does not negate primary rights associated with the individual pieces of ground.</p> <p>The applicant has committed to joining the FMHC and to that end will abide by the management principles and objectives of the FMHC. The construction of a dwelling and enacting of the primary right associated with the property does not counter the FMHC objectives.</p>
	<p>The Western Cape Department of Agriculture: Land Use Management office provide the following comment:</p>	

COMMENT / ISSUES		RESPONSES
	From a purely Agricultural perspective, Portion 19 of Farm 257 is subjected to a Primary Dwelling unit as a Primary Right under the Agriculture I Zoning scheme. The WCDoA:LUM office has no objection towards the application, on condition that the Active Littoral Zone be excluded from development and that the mitigation measures presented in the EMPr are strictly adhered to and monitored for compliance.	<p>Cape EAPrac: The preferred Option 1 has been shown by the coastal engineer to be outside of the dynamic Littoral Active Zone (LAZ), and as such will have a Low impact on the surrounding environment.</p>
Viljoen, Nina - Garden Route District Municipality		
	Automatically registered as an I&AP.	Registered 30 June 2021